



RCE/\$

PTO/SB/30 (05-03)

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**Request  
For  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/151,885
Filing Date	September 9, 1998
First Named Inventor	James C. Costello, M.D.
Art Unit	1623
Examiner Name	Everett N.M.N. White
Attorney Docket Number	452005-22

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-0678
- i. ☒ RCE fee required under 37 CFR 1.17(e) 06/24/2003 MGBREM1 00000092 09151845
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 750.00 OP
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ \$750 + \$1450 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	RAYMOND E. STAUFFER	Registration No. (Attorney/Agent)	47,109
Signature	<i>Raymond E. Stauffer</i>	Date	6/19/03

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	RAYMOND E. STAUFFER	Date	6/19/03
Signature	<i>Raymond E. Stauffer</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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JUN 26 2003  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*Handwritten:* 7/19/03

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In re Application of:

**JUN 26 2003**

Applicant : James C. Costin, M.D.

Serial No. : 09/151,885

**TECH CENTER 1600/2900**

Filed : September 9, 1998

Title : METHOD AND COMPOSITIONS FOR THE  
PREVENTION OF THE DEVELOPMENT OF  
ANTIBIOTIC DRUG RESISTANCE IN  
BACTERIA AND THE PREVENTION OF  
BACTERIA TO BACTERIA TRANSFER OF  
ANTIBIOTIC DRUG RESISTANCE

Examiner : Everett N. M. N. White

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Art Unit : 1623

**JUN 26 2003**

Attorney Docket No. : 452005-22

**TECH CENTER 1600/2900**

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 19, 2003

**AMENDMENT**

Dear Sir:

In response to the Advisory Action mailed January 14, 2003 please amend the  
above-identified application as follows:

IN THE CLAIMS:

Please cancel all claims without prejudice and add the following new claims: